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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,931	12/20/2000	Pekka Ketola	442-009982-US(PAR)	7843

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PERMAN & GREEN  
425 POST ROAD  
FAIRFIELD, CT 06824

EXAMINER
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LEE, JOHN J

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 06/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/742,931

Applicant(s)

KETOLA ET AL.

Examiner

JOHN J LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claim 5 is objected to because of the following informalities: the claim must be finished with a period. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1 – 15** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it recites the limitation “the number of” in line 3 should be changed to “a number of”. There is insufficient antecedent basis for this limitation in the claim. For the same reason, the recitation “the caller” in line 3 should be changed to “a caller”, the recitation “the device” in line 3 should be changed to “a device”, the recitation “the course of time” in line 4 should be changed to “a course of time”, the recitation “the basis” in line 8 should be changed to “a basis”, the recitation “the user of” in line 9 should be changed to “an user of”, the recitation “the reaching of” in line 10 should be changed to “a reaching of”.

Regarding claim 9, it recites the limitation “the telephone number” in line 19 should be changed to “a telephone number”, the recitation “the caller” in line 19 should be changed to “a caller”, the recitation “the basis of” in line 24 should be changed to “a

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basis of”, the recitation “the user” in line 25 should be changed to “an user”. There is insufficient antecedent basis for this limitation in the claim.

Regarding claims 2 – 8 and 10 – 15, recite the limitation “A method” in starting word of the dependent claims should be changed to “The method”. There is insufficient antecedent basis for this limitation in the claims.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1 – 15** are rejected under 35 U.S.C. 102(e) as being anticipated by Makela et al. (US Patent number 6,301,338).

Regarding **claim 1**, Makela discloses that a mobile phone (Fig. 3) comprising means for receiving a call, identification means for identifying a number of a caller from the call that comes into a device (Fig. 1, 2 and column 3, lines 10 – 46), a clock for determining a course of time, and a memory unit for storing information, wherein there is a functional connection between the identification means and the memory unit (Fig. 1, 2 and column 3, lines 47 – column 4, lines 50), the identification means are arranged to transfer information referring to the number of the caller of an unanswered call into the memory unit on a basis of a first response (Fig. 1, 2, column 3, lines 10 – column 4, lines

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50, and column 7, lines 62 – column 8, lines 64), when the call is not answered, and the memory unit is arranged to remind an user of the mobile phone of the unanswered call, on the basis of a second response obtained from the clock, of a reaching of a specific point of time (Fig. 1, 2, column 5, lines 2 – column 6, lines 53, and column 3, lines 10 – column 4, lines 50).

Regarding **claim 2**, Makela discloses that the memory unit is a calendar (Fig. 3, and column 3, lines 10 – column 4, lines 50).

Regarding **claim 3**, Makela discloses all the limitation, as discussed in claim 1. Furthermore, Makela further discloses that said leaving a call unanswered (Fig. 1, 3 and column 3, lines 10 – column 4, lines 50),

rejecting a call that comes into the mobile phone, by pressing a specific selector (Fig. 1, 3 and column 7, lines 8 – column 8, lines 64).

Regarding **claim 4**, Makela discloses all the limitation, as discussed in claim 1. Furthermore, Makela further discloses that when the user changes the mode of operation of the mobile phone from a first mode of operation into a second mode of operation (Fig. 1, 3 and column 7, lines 8 – column 8, lines 64),

when the user switches on the current in the mobile phone (Fig. 1, 3 and column 7, lines 8 – column 8, lines 64),

when the user starts using the mobile phone (Fig. 1, 3 and column 7, lines 8 – column 8, lines 64), and

when the user separately informs the mobile phone that he wants the reminders of unanswered calls at the point of time in question by giving a pre determined command

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(Fig. 1, 2, column 7, lines 8 – column 9, lines 45, and column 3, lines 10 – column 4, lines 50).

Regarding **claim 5**, Makela discloses all the limitation, as discussed in claim 1. Furthermore, Makela further discloses that with a sound signal, with text or picture that appears on the display, with a light signal, with a tactile alert (Fig. 3, column 5, lines 23 – column 6, lines 53, and column 8, lines 6 – column 9, lines 45).

Regarding **claim 6**, Makela discloses that the mobile phone is arranged to give said reminder as a calendar note (Fig. 1, 2, column 5, lines 2 – column 6, lines 53, and column 3, lines 10 – column 4, lines 50).

Regarding **claim 7**, Makela discloses all the limitation, as discussed in claim 1. Furthermore, Makela further discloses that a user interface, which user interface, is arranged to enable the user of the mobile phone to participate in the transferring procedure of the information referring to the number of the caller of unanswered call from the caller identification means, into the memory unit and to determine properties of the reminding function (Fig. 1, 2, column 3, lines 10 – column 4, lines 50, and column 7, lines 62 – column 8, lines 64).

Regarding **claim 8**, Makela discloses all the limitation, as discussed in claim 1. Furthermore, Makela further discloses that alerting means for starting the call creation, there is a functional connection between the call creation means and the calendar, the alerting means are arranged to receive the information referring to a telephone number from the calendar, and the alerting means are arranged to start the alerting on the basis of

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the information they receive from the calendar (Fig. 1, 3, column 5, lines 2 – column 6, lines 53, and column 3, lines 10 – column 4, lines 50).

Regarding **claim 9**, Makela discloses all the limitation, as discussed in claim 1.

Regarding **claim 10**, Makela discloses all the limitation, as discussed in claims 1 and 3.

Regarding **claim 11**, Makela discloses all the limitation, as discussed in claims 1 and 2.

Regarding **claim 12**, Makela discloses all the limitation, as discussed in claims 1 and 5.

Regarding **claim 13**, Makela discloses all the limitation, as discussed in claims 1 and 4.

Regarding **claim 14**, Makela discloses that initiating a call directly to the telephone number of the caller of an unanswered call in the calendar in response to a user procedure (Fig. 1, 2, column 5, lines 2 – column 6, lines 53, and column 3, lines 10 – column 4, lines 50).

Regarding **claim 15**, Makela discloses that the reminder is given again if the user has not called the telephone number that is the object of reminding due to the previous reminder or he has not acknowledged the reminding function to be stopped as regards the telephone number in question (Fig. 1, 2, column 5, lines 2 – column 6, lines 53, and column 3, lines 10 – column 4, lines 50).

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***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Beghtol et al. (US Patent number 6,253,075) discloses Incoming Call Rejection.

Nishiyama (US Patent number 6,347,225) discloses Selective Call Response Radio Telephone System and Method for Providing Appropriate Responses to Incoming Calls to a Radio Telephone.

Toba (US Patent number 6,438,392) discloses Absence Reception Information Device and Absence Reception Information Method for Folding Portable Cellular Phone.

Hijii (US Patent number 6,480,579) discloses Recording and Replaying Messages.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
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or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(703) 306-5936**. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00




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pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay Aung Maung**, can be reached on (703) 308-7745. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

J.L  
June 8, 2003

John J Lee

  
**NAY MAUNG**  
**PRIMARY EXAMINER**